

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark J. Burzynski *et al.*
Appl. No. : 10/614,543
Filed : July 3, 2003
For : SELF-BLUNTING NEEDLE
MEDICAL DEVICES AND
METHODS OF MANUFACTURE
THEREOF
Examiner : Unassigned
Group Art Unit : 3763
Confirmation No. : 1514

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to a decision mailed on May 23, 2005 dismissing a petition under 37 C.F.R. 1.47(a), filed March 14, 2005. Under the two-month reply period provided therein, this paper is timely filed by July 23, 2005.

The petition was dismissed as not conforming with 37 C.F.R. 1.63 on two grounds: (1) failure to provide the citizenship of all of the inventors as provided in 37 C.F.R. 1.63(a)(3), and (2) failure to provide the mailing addresses of all of the non-signing inventors as provided in 37 C.F.R. 1.63(c)(1).

37 C.F.R. 1.63(a)(3)

Under 37 C.F.R. 1.63(a)(3), an oath or declaration must "[i]dentify the country of citizenship of each inventor." Attached hereto as EXHIBIT A is a copy of the inventors' declaration-as-filed with the citizenships of each of the inventors highlighted. Because the declaration-as-filed conforms with 37 C.F.R. 1.63(a)(3), Applicants respectfully request withdrawal of the finding to the contrary.

Appl. No. : 10/614,543

Request for Reconsideration filed July 11, 2005

Responsive to a Decision mailed May 23, 2005

37 C.F.R. 1.63(c)(1)

Under 37 C.F.R. 1.63(c)(1), "Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify the mailing address, and the residence if an inventor lives at a location which is different from where the inventor customary receives mail, of each inventor." Accordingly, filed herewith is a Supplemental Application Data Sheet as provided in 37 C.F.R. 1.76(c) providing the mailing addresses of each of the non-signing inventors.

Accordingly, Applicants respectfully submit that all of the objections to the petition have been overcome and request grant of the petition. For the record, Applicants are puzzled that a decision apparently granting the petition mailed on April 21, 2005, a copy of which is attached as EXHIBIT B does not appear in the image file wrapper for the application.

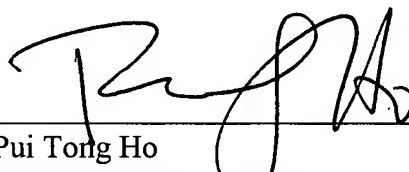
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

July 11, 2005

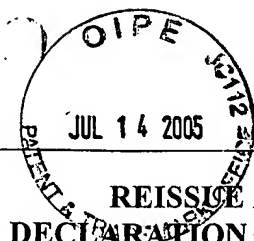
By: _____



Pui Tong Ho
Registration No. 44,155
Attorney of Record
Customer No. 20,995
(949) 760-0404

1806728
070805

EXHIBIT A



**REISSUE APPLICATION
DECLARATION BY THE INVENTORS
37 C.F.R. §1.175**

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are stated below, next to my name.

I believe I am an original, first, and joint inventor of the subject matter that is described and claimed in patent U.S. Patent No. 6,254,574 B1, granted on July 3, 2001, for which reissue is sought on the invention entitled SELF-BLUNTING NEEDLE MEDICAL DEVICES AND METHODS OF MANUFACTURE THEREOF, Application No. 10/614,543, filed July 3, 2003.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, by reason of the patentee claiming less than he had the right to claim in the patent.

At least one error upon which reissue is based is described as follows:

Applicants are filing this reissue application because of the failure of Applicants and Applicants' prior attorney to appreciate the full scope of the invention described in the specification of the captioned patent, which resulted in the patent claiming less than the patentees had the right to claim.

New claims 29, 61, 62, and 63, which broaden the scope of issued claim 1, have been amended to delete the reference to an "internal component hub," which is consistent with issued claims 17 and 26. The orientations of the internal and external components have also been generalized.

New claims 44 and 54 broaden the scopes of original claims 17 and 26, respectively. The orientations of the internal and external components have been similarly generalized in these claims. New claim 64 is a device claim based on new method claim 55, which in turn is based on issued claim 26.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicants.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Mark J. Burzynski**

Signature: _____

Date: _____

Post Office Address: _____

Citizenship: U.S.A.

Full name of second inventor: **Alexander K. Jones**

Signature: _____

Date: _____

Post Office Address: _____

Citizenship: U.S.A.

Full name of third inventor: **Richard S. Kearns**

Signature: Richard S. Kearns

Date: 9 DECEMBER, 2004

Post Office Address: 2426 1st AVE W. SEATTLE WA 98119

Citizenship: U.S.A.

Full name of fourth inventor: **John M. Polidoro**

Signature: _____

Date: _____

Post Office Address: _____

Citizenship: U.S.A.

Full name of fifth inventor: **Carl R. Sahi**

Signature: _____

Date: _____

Post Office Address: _____

Citizenship: U.S.A.

Full name of sixth inventor: **Chad C. Smutney**

Signature: _____

Date: _____

Post Office Address: _____

Citizenship: U.S.A.

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

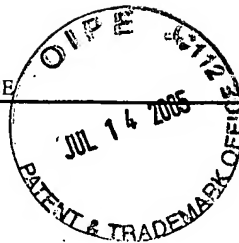
Customer No. 20,995

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EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE



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JN/SAM/PTH

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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APR 21 2005

In re Reissue Application No. 10/614,543
Filed: July 3, 2003
Original Patent No 6,254,574
Issue Date: July 3, 2001
Original Application No. 09/360,877
Filed: July 23, 1999
Inventors: Burzynski, Jones, Kearns, Polidoro,
Sahi, Smutney

OFFICE OF PETITIONS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition filed March 17, 2005, under 37 CFR 1.47(a) to accord this reissue application status in the absence of the signatures of all the named inventors but Kearns.

The petition is granted.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status and the Office of Initial Patent Examination (OIPE) is authorized to

- (1) accept this application under Rule 1.47(a);
- (2) process the application with the inventors being Burzynski, Jones, Kearns, Polidoro, Sahi, and Smutney, using the reissue declaration filed on March 17, 2005; and
- (3) mail a filing receipt with a filing date of July 3, 2003.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to OIPE for further processing.

Inquiries related to this communication may be addressed to the undersigned at (571)272-3217.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Carl R. Sahi
c/o aVisionary Co.,
389 High Street
Coventry CT 06238

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APR 21 2005

OFFICE OF PETITIONS

In re Reissue Application No. 10/614,543

Filed: July 3, 2003

Original Patent No 6,254,574

Issue Date: July 3, 2001

Original Application No. 09/360,877

Filed: July 23, 1999

Inventors: Burzynski, Jones, Kearns, Polidoro, Sahi, Smutney


: LETTER

Dear Mr. Sahi,

You are named as the inventor in the above-identified United States reissue patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a reissue patent be granted on the application you will be designated therein as the inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see address below) would presumably assist you in joining in the application and such would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63; 1.175.

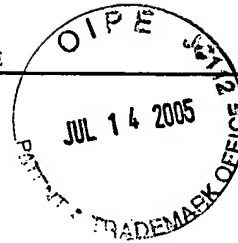
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 Brian Hearn
 Senior Petitions Examiner
 Office of Petitions
 Office of the Deputy Commissioner
 for Patent Examination Policy

CC:
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614



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P.O. Box 1450
Alexandria, VA 22313-1450
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John M. Polidoro
232 Woodmont Drive
Coventry CT 06238

In re Reissue Application No. 10/614,543

Filed: July 3, 2003

Original Patent No 6,254,574

Issue Date: July 3, 2001

Original Application No. 09/360,877

Filed: July 23, 1999

Inventors: Burzynski, Jones, Kearns, Polidoro,
Sahi, Smutney

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APR 21 2005

OFFICE OF PETITIONS

Dear Mr. Polidoro,

You are named as the inventor in the above-identified United States reissue patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a reissue patent be granted on the application you will be designated therein as the inventor.

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Brian Hearn

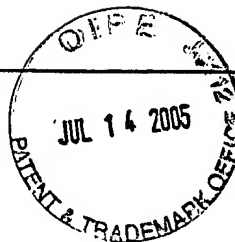
Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
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Alexander K. Jones
165 Riggs Road
Orange CT 06477

In re Reissue Application No. 10/614,543
Filed: July 3, 2003
Original Patent No 6,254,574
Issue Date: July 3, 2001
Original Application No. 09/360,877
Filed: July 23, 1999
Inventors: Burzynski, Jones, Kearns, Polidoro,
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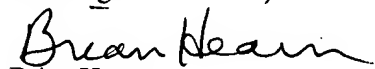
OFFICE OF PETITIONS

Dear Mr. Jones,

You are named as the inventor in the above-identified United States reissue patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a reissue patent be granted on the application you will be designated therein as the inventor.

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Office of Petitions
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for Patent Examination Policy

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Mark J. Burzynski
62 Charter Oak Road
Southbury CT 06488

In re Reissue Application No. 10/614,543
Filed: July 3, 2003
Original Patent No 6,254,574
Issue Date: July 3, 2001
Original Application No. 09/360,877
Filed: July 23, 1999
Inventors: Burzynski, Jones, Kearns, Polidoro,
Sahi, Smutney

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APR 21 2005

LETTER

OFFICE OF PETITIONS

Dear Mr. Burzynski,

You are named as the inventor in the above-identified United States reissue patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a reissue patent be granted on the application you will be designated therein as the inventor.

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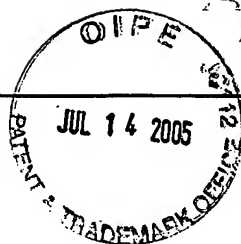
Brian Hea

Brian Hearn
Senior Petitions Examiner
Office of Petitions
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for Patent Examination Policy

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Chad C. Smutney
c/o aVisionary Co.,
389 High Street
Coventry CT 06238

In re Reissue Application No. 10/614,543

Filed: July 3, 2003

Original Patent No 6,254,574

Issue Date: July 3, 2001

Original Application No. 09/360,877

Filed: July 23, 1999

Inventors: Burzynski, Jones, Kearns, Polidoro,
Sahi, Smutney

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OFFICE OF PETITIONS

Dear Mr. Smutney,

You are named as the inventor in the above-identified United States reissue patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a reissue patent be granted on the application you will be designated therein as the inventor.

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Brian Hearn
Senior Petitions Examiner
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Office of the Deputy Commissioner
for Patent Examination Policy

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FOURTEENTH FLOOR
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